

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY - - JULY 5, 2005 - - 7:30 P.M.

Mayor Johnson convened the regular meeting at 7:59 p.m. Councilmember deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese and Mayor Johnson - 5.
Absent: None.

AGENDA CHANGES

(05-322) Mayor Johnson announced that she would present the Resolution Commending Alameda Police Department Chief Burnham Matthews [paragraph no. 05-324] prior to the Proclamations, Special Orders of the Day and Announcements.

(05-323) The Acting City Manager announced that the report from the Housing Task Force [paragraph no. 05-334] would be continued because the Housing Task Force requested 30 more days to report back to the Council.

REGULAR AGENDA ITEM

(05-324) Resolution No. 13861, "Commending Alameda Police Department Chief Burnham Matthews for His Contributions to the City of Alameda." Adopted.

Mayor Johnson read and presented the Resolution to Chief Matthews; thanked Chief Matthews for his service to the City.

Councilmember Matarrese moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Chief Matthews thanked the Council for the Resolution; stated that it has been an honor to serve the Council and the community.

Vice Mayor Gilmore stated that she was delighted that Chief Matthews plans to stay in the community; noted that Chief Matthews has given a great deal of personal attention to the children of the community.

Councilmember deHaan stated that Chief Matthews has done a marvelous job and will leave a legacy.

Councilmember Matarrese thanked Chief Matthews for his service;

stated he appreciates Chief Matthews making the Police Department an integral part of the community.

Supervisor Lai Bitker presented a proclamation on behalf of the Board of Supervisors; stated she has enjoyed working with Chief Matthews and appreciates his work with children.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-325) Presentation by the Alameda Architectural Preservation Society to the City of Alameda of a Historic Preservation Award for the adaptive re-use of the City Hall West Building at Alameda Point.

Denise Brady, Alameda Architectural Preservation Society, presented the Award to Mayor Johnson.

Mayor Johnson thanked Ms. Brady and stated that the Award would be displayed in a prominent place in City Hall.

(05-326) Library Project update.

The Project Manager gave an update on the Library Project.

Mayor Johnson stated the Project is progressing very well.

Vice Mayor Gilmore inquired when the cranes would arrive.

The Project Manager responded that the cranes would tentatively arrive on July 25; street closure would be necessary from 6:00 a.m. for about four or five hours for two days.

Councilmember Matarrese stated the City is being environmentally conscious with the construction of public buildings.

The Project Manager stated the bid received a year ago was approximately 20% over budget; thanked the Council for the foresight to allow the Contract to be negotiated.

Mayor Johnson noted that the Pentagon is a LEED certified building.

Councilmember deHaan inquired whether the 21% project completion was on time.

The Project Manager responded in the affirmative; stated an expanded budget and schedule presentation would be provided every six months; stated that another city received revised bids which came in 25% over budget.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-327) Minutes of the Special City Council Meeting of June 14, 2005, Special and Regular City Council Meetings held on June 21, 2004, and Special City Council Meeting of June 23, 2005. Approved.

(*05-328) Ratified bills in the amount of \$7,377,422,92.

(*05-329) Resolution No. 13862, "Annual Adjustment of the Citywide Development Impact Fee by the Construction Cost Index." Adopted.

REGULAR AGENDA ITEMS

(05-330) Resolution No. 13863, "Adoption of Resolution Reappointing Randall S. Miller as a Member of the Historical Advisory Board." Adopted;

(05-330A) Resolution No. 13864, "Reappointing Edward Depenbrock as a Member of the Housing and Building Code Hearing and Appeals Board." Adopted;

(05-330B) Resolution Nos. 13865 and 13866, "Reappointing Nancy W. Gormley and Garnetta S. King as Members of the Housing Commission." Adopted;

(05-330C) Resolution Nos. 13867 and 13868, "Reappointing Ruth K. Belikove and Alan D. Mitchell as Members of the Library Board." Adopted;

(05-330D) Resolution Nos. 13869 and 13870, "Reappointing Rebecca L. Kohlstrand Parsons and Margaret McNamara as Members of the Planning Board." Adopted;

(05-330E) Resolution Nos. 13871, 13872 and 13873, "Reappointing Stewart Chen, Karen Hollinger Jackson, and Cynthia Wasko as Members of the Social Service Human Relations Board." Adopted;

Councilmember Matarrese moved adoption of resolutions.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath and presented certificates of appointment to Ms. Gormley, Ms. King, Ms. Belikove, Ms. McNamara, and Mr. Chen.

(05-331) Ordinance No. 2942, "Amending the Alameda Municipal Code to Change the Name of the Public Art Advisory Committee to Public Art Commission, Transfer Reporting from Recreation and Park Commission to City Council, and Transfer Staffing from the Recreation and Park Department to the Planning and Building Department by Amending Subsections 30-65.3 (Contribution Requirements), 30-65.4 (Public Art), 30-65.5 (Alameda Public Art Fund), 30-65.7 (Public Art Advisory Committee), 30-65.8 (Application and Approval Procedures for Placing Public Art on Private Property) , 30-65.10 (Guidelines for Approval), and 30-65.11 (Appeal to the City Council) of Section 30-65 (Public Art in New Commercial, Industrial, Residential and Municipal Construction)." Finally passed.

Councilmember Matarrese stated that the function of the Public Art Advisory Committee is important and deserves commission status.

Councilmember Matarrese moved final passage of the Ordinance.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(05-332) Recommendation to accept report on proposed PERS Golden Handshake Retirement under California Government Code Section 20903.

The Acting City Manager stated the matter was on the agenda to request approval to contribute funding to the PERS Retirement System on behalf of employees who are being laid off and are eligible to retire; employees who retire within 90 days of the adoption of the resolution would be eligible; savings are created by reducing the number of positions in the City and allowing some employees to receive up to two years service credit.

Vice Mayor Gilmore inquired whether there would be a net savings, to which the Acting City Manager responded in the affirmative.

Councilmember deHaan inquired when the last Golden Handshake occurred, to which the Senior Management Analyst responded in 1992 and again in 1995 or 1996.

Councilmember deHaan inquired whether the savings materialized, to which the Senior Management Analyst responded in the affirmative.

Councilmember deHaan inquired whether all eligible employees have signed up for the Golden Handshake, to which the Senior Management Analyst responded four employees have expressed interest.

Mayor Johnson stated tight fiscal times would continue and that she appreciates the Acting City Manager's creative and least painful way of reducing the work force.

Councilmember deHaan inquired whether there would be any health benefit obligation, to which the Senior Management Analyst responded in the negative.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-333) Reconsideration of acceptance of Management Practice #37.

Mayor Johnson stated that restrictions on Council communications should not go beyond the Charter; inquired whether there was a previous management practice on communications.

The Acting City Manager responded in the affirmative; the previous practice stated that the Council could ask questions of any employee; an employee would proceed to respond to the Councilmember if the response would take no more than 30 minutes of the employee's time; the employee would notify the department head and the department head would notify the City Manager; questions that require a lot of research would pull an employee away from their work; that he has requested staff to advise him if the question requires more than 30 minutes to respond; Councilmembers may not realize that the request can turn into direction to do work, which is not allowed under the Charter; the current practice asks for the Council to make a direct inquiry to a department head rather than an employee; the department head responds with a copy to the City Manager.

Mayor Johnson stated that defining an inquiry was inconsistent with the Charter; an inquiry should be reasonably brief in nature; noted that she prefers the Acting City Manager's previous management practice.

Councilmember Matarrese stated that the request for inquiry is overly bureaucratic and was not anticipated or defined in the Charter; suggested that the Council direct the City Manager to provide a draft of a new management practice; the first action would be to revoke the current practice in favor of a new one; the

Council should wait to act on the new practice until the new City Manager is on board to ensure an understanding of the new management practice.

Councilmember deHaan stated that the Council should not bore too deep; he would prefer a modified policy.

Mayor Johnson stated the Council needs to be very conscientious about requests; the Council should schedule an appointment to meet with a department head and be courteous to staff.

Councilmember Matarrese concurred with Mayor Johnson; stated recognition of staff's workload is common courtesy; the Council's need to dig deep should be directed to the City Manager and raised at Council meetings.

Councilmember deHaan stated that his experience with staff communication has been excellent; the Council needs to be respectful; in-depth inquiries need to be directed to the City Manager.

Councilmember Daysog stated that improvements should be made when there is an opportunity to do so; his ability to represent residents' interests has not been burdened or hindered by the current management practice; stated he would welcome more information that addresses what is meant by inquiry; the current management practice is sufficient and represents the necessary separation of powers between the City Manager and that of the City Council.

Vice Mayor Gilmore inquired whether the Council direction was to have a new management practice drafted for discussion and action at a future date.

Mayor Johnson responded in the affirmative; stated the Acting City Manager would provide some ideas.

(05-334) Report from the Housing Task Force regarding strategies to prevent mass evictions and provide for low-income housing. **Not heard.**

ORAL COMMUNICATIONS, NON-AGENDA

(05-335) Randy Watkins, Alameda, stated that the cost to build the garage, renovate the theatre, and build the cineplex is \$45 million; there is only \$10 million in revenues from the project; the lease is only \$7,000 per month for cineplex and commercial lease space; the agreement allows the lessor to purchase a site

after five years of leasing at a fair market value or prorated cost; urged the Council to be more fiscally conservative.

(05-336) Deborah James, Alameda, thanked the Council for the West End Teen Program; noted that Goodwill offers free on-line computer training; stated there is also a teen center at Alameda High School.

Mayor Johnson stated the Alameda High School teen center is at the Veterans Building; suggested information on computer courses be provided to the Recreation and Parks Department also.

COUNCIL COMMUNICATIONS

(05-337) Consideration of Mayor's nominations for appointment to the Oakland Chinatown Advisory Committee and Transportation Commission.

Mayor Johnson nominated Lee Perez for appointment to the Oakland Chinatown Advisory Committee and John Knox White and Eric Schatmeier to the Transportation Commission.

(05-338) Councilmember deHaan inquired when the infrastructure budget would be presented to the Council, to which the Acting City Manager responded in August.

Councilmember deHaan inquired when the 10-year budget would be presented to the Council.

The Acting City Manager responded in August; stated he cannot provide an exact date because the 10-year forecast model is being prepared in conjunction with the outside auditor; the Public Works Director is preparing the infrastructure budget for the second City Council meeting in August.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:01 p.m.

Respectfully Submitted,

Lara Weisiger,
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY - - JULY 5, 2005 - - 5:35 P.M.

Mayor Johnson convened the special meeting at 5:45 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese and Mayor Johnson - 5.

Absent: None.

The special meeting was adjourned to Closed Session to consider:

(05-319) Public Employee Performance Evaluation; Title: City Attorney.

(05-320) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9; Number of cases: One.

(05-321) Conference with Labor Negotiator; Agency Negotiator: Acting City Manager; Employee Organizations: Alameda Police Managers Association (APMA); Alameda Fire Management Association (AFMA); Management and Confidential Employees Association (MCEA); Alameda Police Officers Association (APOA), and International Association of Firefighters (IAFF).

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Mayor Johnson called a recess to hold the regular Council meeting at 7:45 p.m. and reconvened the closed session at 9:05 p.m.

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Following the closed session, the special meeting was reconvened and Mayor Johnson announced that regarding Public Employee Performance Evaluation, the Council discussed the performance of the City Attorney and requested an open session agenda item; regarding Conference with Legal Counsel, the Council gave permission to waive attorney/client privilege on the July 2000 document and produce as part of the subpoena; and regarding Conference with Labor Negotiator, the Council obtained a briefing from the Acting City Manager; gave direction and requested information.

Adjournment

There being no further business, Mayor Johnson adjourned the special meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

Agenda for meeting was posted in accordance with the Brown Act.